

# EXHIBIT A

IN DISTRICT COURT, COUNTY OF MCKENZIE, STATE OF NORTH DAKOTA

Luke Boller,

Plaintiff,

v.

Nathan D. Martin and Tim J. Karst  
dba Karst Trucking,

Defendants.

Civil No.: 27-2018-CV-00420

**SUMMONS**

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to appear and defend against the Complaint in this action which is herewith served upon you by serving upon the undersigned an Answer or other proper response within twenty-one (21) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Dated this 11 day of June, 2018.

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ATTORNEYS FOR PLAINTIFF

IN DISTRICT COURT, COUNTY OF MCKENZIE, STATE OF NORTH DAKOTA

Luke Boller,	)	Civil No.: 27-2018-CV-00420
	)	
Plaintiff,	)	
	)	COMPLAINT
v.	)	
	)	JURY DEMANDED
Nathan D. Martin and Tim J. Karst	)	
dba Karst Trucking,	)	
	)	
	)	
Defendants,	)	

Plaintiff Luke Boller, for his Complaint against the Defendants, Nathan D. Martin and Timothy J. Karst, dba Karst Trucking, states and alleges:

I.

Plaintiff Luke Boller is a resident of Baldwin Township, Sherburne County, MN.

II.

Defendant Nathan D. Martin is, on information and belief, a resident of Las Vegas, Clark County, Nevada.

III.

Defendant Tim J. Karst is a resident of Fairview, Richland County, Montana, and operates an interstate trucking business known as Karst Trucking, DOT #2037443.

IV.

At all times material herein, Defendant Martin was an employee of Tim J. Karst, dba Karst Trucking, and acting within the course and scope of his employment.

V.

At all times material herein, Tim J. Karst, dba Karst Trucking, was authorized to, and was doing business in, North Dakota.

VI.

On November 14, 2012, at approximately 6:01 p.m., a 2006 Dodge van being operated by Plaintiff Luke Boller struck the rear of a semi-tractor/trailer combination owned and operated by Defendant Karst Trucking and being driven by Defendant Nathan D. Martin while the Karst tractor and trailer unit was stopped U.S. Highway 85 at its intersection with McKenzie County Road 31, also known as 131<sup>st</sup> Ave NW.

VII.

At the time and place of said collision, Defendants Martin and Karst were negligent in their use and operation of the tractor and side dump trailer owned by Timothy J. Karst, dba Karst Trucking, in, among other things, that it was stopped on U.S. highway 85 with no visible lights, no visible reflective tape, covered in dried on mud, had its side marker lights covered in dirt, and all other lights covered in dried on mud, all of which significantly impaired the visibility of the stopped vehicle to traffic behind it.

VIII.

Defendant Timothy J. Karst dba Karst Trucking was negligent in its instruction, training and supervision of Defendant Martin so as to permit Martin to use and operate the Karst vehicle in its hazardous condition.

IX.

The negligence of the Defendants, and each of them, was a proximate cause of the motor vehicle crash and resulting bodily injury and damages to Plaintiff Luke Boller.

X.

Defendant Timothy J. Karst dba Karst Trucking is vicariously liable for the negligence of Defendant Martin.

XI.

As a result of said collision, Plaintiff Boller sustained bodily injury causing damages, including past medical expenses exceeding \$1,000,000.00, future medical expenses, past income loss, future loss of earning capacity, pain, suffering, emotional distress, and mental anguish, all as defined in N.D.C.C § 32-03.2-04, in a reasonable amount in excess of Fifty Thousand and No\100 Dollars (\$50,000.00), together with his costs and disbursements in this action.

WHEREFORE, Plaintiff demands judgment against the Defendants for damages in a reasonable amount in excess of Fifty Thousand and No\100 Dollars (\$50,000.00), together with his costs and disbursements in this action.

TRIAL BY JURY DEMANDED

Dated this 11 day of June, 2018.

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